

MAUI PLANNING COMMISSION

Shoreline Setback Structure/Activity Determination

INFORMATIONAL SHEET

SOURCE OF LEGAL AUTHORITY: CHAPTER 205A, HAWAII REVISED STATUTES (HRS), AS AMENDED, AND TITLE MC-12, SUBTITLE 02, CHAPTER 203, SHORELINE RULES FOR THE MAUI PLANNING COMMISSION

The purpose of the Shoreline Rules is to regulate the use and activities of land within the shoreline environment in order to protect the health, safety, and welfare of the public by providing minimum protection from known coastal natural hazards; and to ensure that the public use and enjoyment of our shoreline resources are preserved and protected for future generations in accordance with the Hawaii coastal zone management law, HRS Chapter 205A, as amended.

The Director of Planning can officially determine where the shoreline setback line is on a given property. The Director can also determine whether a proposed action qualifies as a “**permitted structure or activity**” occurring within the determined shoreline setback area.



COUNTY OF MAUI
DEPARTMENT OF PLANNING
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MAUI PLANNING COMMISSION (SSA:)

Shoreline Setback Structure/Activity Determination

DATE: _____
PERMIT TYPE: _____
PROJECT NAME: _____

PROPOSED DEVELOPMENT: _____

TAX MAP KEY NO.: _____ CPR/HPR NO.: _____ LAND AREA: _____

PROPERTY ADDRESS: _____

OWNER (PRINT): _____ PHONE:(B) _____ (H) _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

OWNER SIGNATURE: _____

APPLICANT (PRINT) _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE (B): _____ (H): _____ FAX: _____

APPLICANT SIGNATURE: _____

CONTACT NAME: (PRINT) _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE (B): _____ (H) _____ FAX: _____

EXISTING USE OF PROPERTY: _____

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: _____

COMMUNITY PLAN DESIGNATION: _____

MAUI COUNTY ZONING DESIGNATION: _____

OTHER SPECIAL DESIGNATIONS _____

BUILDING PERMIT APPLICATION (BPA) NO. _____

BPA VALUATION _____

APPLICATION SUBMITTALS
Shoreline Setback Structure/Activity or Use Determination

1. Evidence that the applicant is the owner or lessee of record of the real property.
2. A notarized letter of authorization from the legal owner if the applicant is not the owner and evidence that the authorization is from the legal owner.
3. A valid certified shoreline survey.
4. Written description of proposed action. Structures and activities may be permitted by the director within the shoreline area, provided that it meets one of the following:
 - a) A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing in the shoreline area on June 16, 1989.
 - b) Maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline area without a variance.
 - c) Repairs to legally permitted structures valued by a licensed professional engineer or architect at less than fifty percent of the current replacement cost of the structure which neither enlarges the structure nor intensifies the use of the structure.
 - d) Repairs to nonconforming structures damaged by fire, natural disaster, accidental means, or other calamity, provided that:

- i) The structure was not damaged by coastal hazards;
 - ii) The repairs shall not enlarge, expand or intensify the use beyond the former condition of the previous structure
 - iii) The repairs shall also be permitted by the building code, flood hazard regulations, and the special management area requirements; and,
 - iv) The repairs shall be started within two-years from the date of the damage.
- e) Beach nourishment dune restoration projects approved by all other applicable governmental agencies.
- f) Minor structure or activity costing less than \$125,000.00, which does not adversely affect beach processes, does not impede the natural movement of the shoreline, does not alter the existing grade of the shoreline area, does not artificially fix the shoreline, does not interfere with public access or public views to and along the shoreline and which meets the purpose of the Shoreline Setback Rules and other applicable laws. Minor structures or activities include:
 - i) Landscape features, i.e., barbecues, lighting, benches, chairs, borders, wooden trellis, bird feeders, signs, safety improvements, etc.
 - ii) Movable portable lifeguard stands
 - iii) Walkways for access
 - iv) Landscaping in conjunction with irrigation systems
 - v) Outdoor shower and water faucets
 - vi) Utility poles and accessory structures along existing corridors;
 - vii) Temporary tents for special events not to exceed fourteen consecutive days during any three-month period.

Only portable/movable public access walkways, portable/movable lighting for safety purposes, landscape planting/above-ground irrigation, and emergency temporary protection of property and legally approved structures approved in accordance with section 12-202-16 of the special management area rules, shall be permitted within a 25-foot setback from the shoreline for a lot with an average lot depth of 100-feet or less or within a 40-foot setback from the shoreline for a lot with an average lot depth which is more than 100-feet. Provided further that landscape planting/irrigation shall be directed away from the shoreline so that no landscape planting encroaches seaward of the most recent certified shoreline or artificially extends the shoreline area without the appropriate approvals from the department of land and natural resources.

- g) Minor activities which do not adversely impact the existing grade of the setback area which are related to landscaping, minor clearing (grubbing) of vegetation, and minor grading which is not subject to HRS Chapter 343.
- 5. Site Plans drawn to the scale of 1"=20'.0" with contours at a minimum interval of two-feet. Site plan should also show the shoreline and existing conditions along properties immediately adjacent to the subject lot and all natural and man-made features in the subject area.
 - 6. Construction plans
 - 7. Photographs of the shoreline area
 - 8. Shoreline setback assessment